

REMARKS

I. Summary of Office Action

Claims 1-20 are pending in the application.

Claims 1-3, 5-7, 9-13, 15-17, 19 and 20 are withdrawn from the application, as being drawn to non-elected inventions.

Claims 4, 8, 14 and 18 were rejected under 35 U.S.C. § 102(e) as being anticipated by Brenner et al. U.S. Patent No. 6,004,211 (hereinafter "Brenner"). Claims 4 and 14 were rejected under 35 U.S.C. § 102(e) as being anticipated by Miller U.S. Patent No. 6,322,445 (hereinafter "Miller"). Claims 8 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller.

II. Summary of Applicants' Reply to Office Action

Claims 4-10 and 14-20 have been amended to more particularly define the invention. Claims 5-7, 9, 10, 15-17, 19 and 20 are withdrawn from the application as being drawn to non-elected inventions because of a constructive election of species. Applicants have amended claims 5-7, 9, 10, 15-17, 19 and 20 so that they are in proper form for when they are rejoined with the elected invention.

The Office Action's rejections of the claims are respectfully traversed.

III.       The Rejections Of Claims 4 and 14  
            Under 35 U.S.C. § 102(e)

The Office Action rejected claims 4 and 14 under 35 U.S.C. § 102(e) as being anticipated by Brenner and under 35 U.S.C. § 102(e) as being anticipated by Miller. The Office Action's rejections under 35 U.S.C. § 102(e) are respectfully traversed.

Independent claims 4 and 14 are directed towards providing a user interface for interactive wagering. A user is provided with an opportunity to create a default wager which includes at least one default setting. Default selections for a new wager based on the default wager are displayed. The new wager includes a track, a race, a bet type, a bet amount and a horse. The user is provided with an opportunity to change selections for the new wager from at least one of the default selections to another selection. In addition, the user is provided with an opportunity to place the new wager.

The Office Action contends that Brenner anticipates applicants' invention. Applicants respectfully disagree. Generally speaking, Brenner refers to an off-track interactive

wagering system. While Brenner provides various wagering features (e.g., allowing a user to create a wager, delete a wager and duplicate a wager), applicants' invention patentable improves upon Brenner by requiring the following in claims 4 and 14: providing a user with an opportunity to create a default wager, wherein the default wager includes at least one default setting; displaying default selections for a new wager based on the default wager, wherein the new wager requires selection of at least a track, a race, a bet type, a bet amount and a horse; providing the user with an opportunity to change selections for the new wager from at least one of the default selections to another selection; and providing the user with an opportunity to place the new wager.

The Office Action also contends that Miller anticipates applicants' invention. Applicants respectfully disagree. Miller discloses a computer-based video gaming device specifically directed to multi-line poker. Applicants require in independent claims 4 and 14 that a new wager requires the selection of at least a track, a race, a bet type, a bet amount and a horse. Because Miller only discloses a gaming system based on poker, it cannot show or suggest selecting requirements as part of a wager that relate to horse racing, such as, e.g., a

track, a race and a horse.

Accordingly, at least because Brenner and Miller fail to show or suggest applicants' invention, applicants respectfully request that the rejections of claims 4 and 8 under 35 U.S.C. § 102(e) be withdrawn.

IV. The Rejections Of Claims 8 and 18

The Office Action rejected claims 8 and 18 under 35 U.S.C. § 102(e) as being anticipated by Brenner and 35 U.S.C. § 103(a) as being unpatentable over Miller. Claims 8 and 18 are dependent from claims 4 and 14, respectively, and are allowable at least because claims 4 and 14 are allowable.

V. Conclusion

In view of the foregoing, claims 4, 8, 14 and 18 are in condition for allowance. The Office Action has withdrawn claims 5-7, 9, 10, 15-17, 19 and 20 from consideration as directed to a non-elected invention because of the constructive election of species. Applicants respectively request that these claims be considered because the generic claims (i.e., claims 4 and 14) are in condition for allowance. This application is therefore in condition for allowance.

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Reply to Office Action of August 17, 2004

Reconsideration and allowance of the application are  
respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, reading "Adam Saltzman", is written over a horizontal line.

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